

REMARKS

Claims 1-11 remain pending. Claims 1 and 3-5 are currently amended. No claims are canceled or added via the present submission.

The specification stands objected to, and the Office Action indicates on page 2 that some words are written without spaces in between.

However, the Office Action does not cite even one example of two words written without a space in between. Applicants have reviewed the specification independently find no such example.

The specification is written with the text extending to both the left and right margins (full justification), and the PTO permits this format. One result of using this format is that words may sometimes be spaced slightly closer together. However, this does not mean that there is no space at all between the words.

Applicants respectfully submit that, unless it can be indicated in the specification where any words are written without spaces in between, the objection is improper. Accordingly, applicants request the withdrawal of the objection.

The Office Action indicates provides on page 2 general requirements of an Abstract. However, the Office Action does not indicate that Abstract of the present application is objected to.

Applicants note though that the Abstract is currently amended (see above). Applicants respectfully submit that the Abstract complies with PTO requirements.

Claims 5-9 stand objected to. The Office Action indicates again that words are written without spaces in between. However, again the Office Action does not cite even one example of two words written in this fashion.

Applicants find no two adjacent words written without an intervening space. Unless such occurrence can be identified, applicants respectfully submit that the objection to the claims should be withdrawn.

Claims 1 and 5 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite. As shown above, the claims are currently amended, and applicants now submit that the rejection should be withdrawn.

Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as anticipated by *Bearden et al.* (U.S. Patent No. 6,871,233). Applicants respectfully traverse this rejection.

The claims describe devices that interact in a policy based management system that has a “management device” and a “managed device.” More specifically, claims 1-4 describe a “management device,” and claims 5-11 describe a “managed device.” The claimed invention differs from the system disclosed by *Bearden et al.* as follows:

Bearden et al. discloses in Fig. 3 a system that has management server 301 and associated graphical user interface 302. Management server 301 connects to data communication network 306, which could be the Internet. Data communication network 306 has QoS-enabled network elements 307-1 through 307-N, which can have network routers and switches, network traffic shapers, application-level traffic redirectors, and application-level or network-level load balancers. (Column 4, lines 26-45.)

Fig. 4 of *Bearden et al.* shows a flow chart describing a process associated with the system of Fig. 3. Note that, in step 417, network resources are reduced if a delivered QoS exceeds the desired QoS (column 6, lines 3-4), and, in step 418, network resources are increased if the delivered QoS does not exceed the desired QoS (column 6, lines 11-13). The text

corresponding to Fig. 4 discusses an example of three processes running concurrently *in management server 301* (column 5, lines 2-3.).

In contrast to the *Bearden et al.* system, applicant claims elements of a system in which the processing to change network resources occurs *in the managed device*. Regarding claims 1-4, base claim 1 specifies that the management device has (1) means for inputting evaluation information for evaluating an enforcement effect *of a policy in the managed device*; (2) means for inputting adjustment information for dynamically adjusting *a policy operated by the managed device*; and (3) means for distributing the input policy information, policy evaluation information, and policy adjustment information *to the managed device*. Regarding claims 5-11, base claim 5 specifies that *the managed device has* (1) means for *enforcing a policy information*; (2) means for *evaluating a policy under operation ...*; and (3) means for *dynamically adjusting a policy under operation based on ...*

Applicants find no such subject matter disclosed in *Bearden et al.*, and the Office Action does not explicitly identify *any* elements that supposedly anticipate the claimed “management device” and “managed device.” Certainly, applicants could surmise that the rejection is based on the understanding that management server 301 teaches the “management device” and that one of QoS-enabled network elements 307-1 through 307-N teaches the “managed device.” However, without an explicit statement identifying the relied upon elements, the rejection cannot be considered properly justified. (Also, as explained above, management server 301 cannot properly teach the “management device,” and none of the QoS-enabled network elements 307-1 through 307-N can teach the “managed device.”)

Accordingly, applicants solicit the withdrawal of the anticipation rejection.

If for some reason applicants' remarks are ultimately deemed non-persuasive and the rejection is maintained, applicants request that, instead of merely citing blocks of text of the reference, the next Office Action explicitly indicate which *Bearden et al.* element is relied upon to anticipate the "management device" and which *Bearden et al.* element is relied upon to anticipate the "managed device."

In a separate matter, applicants amend the claims as shown above to address informalities.

In view of the remarks above, applicants now submit that the application is in condition for allowance. Accordingly, a Notice of Allowability is hereby requested. If for any reason it is believed that this application is not now in condition for allowance, the Examiner is welcome to contact applicants' undersigned attorney at the telephone number indicated below to discuss resolution of the remaining issues.

If this paper is not timely filed, applicants petition for an extension of time. The fee for the extension, and any other fees that may be due, may be debited from Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Joseph L. Felber
Attorney for Applicants
Registration No. 48,109
Telephone: (202) 822-1100
Facsimile: (202) 822-1111